



28 SEP 2006

Dean H. Nakamura  
Bell, Boyd & Lloyd, LLC  
P.O. Box 1135  
Chicago, Illinois 60690-1135

In re Application of  
CAMPOCHIARO, et al.  
U.S. Application No.: 10/526,127  
PCT No.: PCT/EP03/09497

Int. Filing Date: 27 August 2003

Priority Date: 28 August 2002

Attorney Docket No.: 116566-002

For: OCULAR GENE THERAPY

DECISION ON RENEWED

PETITION UNDER

37 CFR 1.181

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.181" filed 28 August 2006 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 27 July 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment in the present national stage application. Applicant was afforded two months to file any request for reconsideration.

On 28 August 2006, applicant filed the present petition under 37 CFR 1.181.

### **DISCUSSION**

Applicant has presently filed a replacement diskette containing the computer-readable format of the sequence listing and certified that it is a complete copy of the CRF filed on 23 March 2006. As such, applicant has satisfied the remaining item of concern from the decision mailed 27 July 2006 and it is proper to grant applicant's renewed petition at this time.

It is noted that applicant has yet to file a compliant oath or declaration of the inventors as detailed in the previous decision. Applicant states that the filed declaration "contains three pages, as noted on each page, the three pages come from the same document, 88330, and page 3 properly identifies both co-inventors on a single page." This statement is incorrect. As detailed in the decision mailed 27 July 2006, the filed declaration contained four total pages; not three; including two separate pages numbered "3." These pages were individually executed by the co-inventors and then combined into a single document rendering the filed declaration non-compliant.

**CONCLUSION**

Applicant's renewed petition under 37 CFR 1.181 is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 17 April 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for the preparation and mailing of a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating the need to file a compliant, executed oath or declaration of the inventors.



Derek A. Putonen  
Attorney Advisor  
Office of PCT Legal Administration  
Tel: 571-272-3294  
Fax: 571-273-0459